

APR 17 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

CHARLES E. McMANAMA,

Plaintiff - Appellant,

v.

STATE OF OREGON,

Defendant - Appellee.

No. 05-35867

D.C. No. CV-04-01764-AJB/DCA

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Oregon
Anna J. Brown, District Judge, Presiding

Submitted April 13, 2006^{**}

Before: SILVERMAN, McKEOWN, and PAEZ, Circuit Judges.

Charles E. McManama appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action on Eleventh Amendment immunity

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

grounds. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Price v. Akaka*, 928 F.2d 824, 827 (9th Cir. 1990) , and we affirm.

In his complaint, McManama alleged that the State of Oregon violated his constitutional rights by dismissing an appeal McManama filed in a prior state court action. The district court properly dismissed this action under the Eleventh Amendment because the State of Oregon has not consented to suit. *See Quillin v. Oregon*, 127 F.3d 1136, 1138 (9th Cir. 1997) (per curiam); *Oregon Short Line R.R. Co. v. Dep't of Revenue Oregon*, 139 F.3d 1259, 1263 (9th Cir. 1998) (holding Eleventh Amendment bars suits against state by its own citizens).

McManama's Petition to Enact the Option of United States Court Jurisdiction is denied.

AFFIRMED.